

AMENDMENTS TO THE DRAWINGS

Replacement sheets are attached showing corrected Figures 1 and 2. The only changes in Figures 1 and 2 involve adding the legend “(RELATED ART)”, in compliance with the requirements listed in the Office Action dated August 31, 2007.

Attachment: 2 Replacement Sheets of Figs. 1 and 2.

REMARKS

Claims 1-10, 12-16, 18-19, 35-36 are pending in the application. By this Amendment, claims 11, 17 and 20-34 are canceled without prejudice or disclaimer. Further, new claims 35 and 36 are added and are fully supported in the original disclosure.

Claims 27-34 are rejected under 35 U.S.C. § 101 for lacking patentable utility. Claims 1, 2, 9-13, and 16-34 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 25 of copending Application No. 10/809,524. Claims 1, 2, 9-13, and 16-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2001/0017828 (“Yamada”) in view of U.S. Patent No. 4,118,789 (“Casto”). Claims 3-8, 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada in view of Casto and further in view of U.S. Patent No. 7,031,942 (“Ogino”). Applicant submits the following in traversal.

Rejection of Claims 27-34 under § 101

In view of the cancellation of claims 27-34, this rejection is moot.

Provisional Rejection of Claims 1, 2, 9, 10, 12, 13, 16, and 18-19 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 25 of copending Application No. 10/809,524

Applicant respectfully requests the Examiner to hold this rejection in abeyance until the other pending application issues as a patent.

Rejection of Claims 1, 2, 9-13, and 16-19 under § 103(a) over Yamada in view of Casto

Applicant respectfully submits that claim 1 is patentable because a prima facie case of obviousness has not been established. For example, one skilled in the art would not consider modifying the teachings of Yamada with Casto to determine if the DGCCI and WMCCI are equal.

In the Office Action, the Examiner appears to take the position that reproducing corresponds to the claimed “process[ing] the AV stream.” See item 10 on page 5 of Office Action (“ . . . Yamada discloses a system in which two sets of CCI information are recorded onto a medium (the DGCCI and WMCCI), each of which may be used in reproducing an AV signal (see paragraph 71)”).

Further, the Office Action explains that Casto is merely disclosed to show that one skilled in the art would allegedly modify Yamada so that the DGCCI and WMCCI are compared.

While Yamada does disclose that DGCCI and the WMCCI may be used for reproduction, Applicant respectfully submits that one skilled in the art would not modify Yamada with the teachings of Casto so that the DGCCI and WMCCI are compared with each other.

In Yamada, the digital contents data includes two types of copy control management information (CCI), i.e., a digital CCI (“DGCCI”) and an analog embedded type (“watermark”; “WMCCI”) in a disc. In the paragraph cited by the Examiner, ¶ 0071, Yamada discloses that both the DGCCI and WMCCI are set to status “10” (see Fig. 13). Since DGCCI is set to “10”, reproduction, i.e., playback, is possible, although WMCCI set to the same value of “10” which would inhibit, i.e., prohibit, reproduction. See Fig. 13. Therefore, if DGCCI is present, **only a single copy control management information, i.e., the DGCCI**, would be referenced to determine if reproduction is permitted. If the DGCCI is not present, then only the WMCCI is

referenced. Therefore, Yamada **teaches away** from comparing **the first and the second copy control information** and, instead, relies on just one of the two CCI information.

Further, “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, the teachings of the references are not sufficient to render the claims prima facie obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).” MPEP at § 2143.01(VI). Here, any modification of Yamada so that the reproduction is stopped “if the two CCI control modes are not equal,” would change the principle of operation of Yamada.

As noted above, the DGCCI, if present, determines if reproduction is possible, without considering the WMCCI. In fact, the value in WMCCI must be necessarily ignored. Figure 13 shows that DGCCI set to “00” permits “copy free,” but **prohibits reproduction**. In contrast, WMCCI set to “00,” **allows reproduction**. Therefore, if DGCCI and WMCCI are equal, DGCCI and WMCCI would indicate opposite permissions with respect to reproduction. Rather, it is situations where DGCCI and WMCCI **are not equal**, i.e., when DGCCI = 10 or 11 and WMCCI=00, that both DGCCI and WMCCI would permit reproduction.

To stop reproduction if the DGCCI and WMCCI are different, would be entirely contrary to the nature of the operation of Yamada, and thus, would one skilled in the art would not combine the teachings of Yamada and Casto.

Applicant further notes that the Examiner alleges that Casto discloses “a system in which protected control instructions are read from **two different locations** and execution is stopped if they are not equal.” Office Action at 6. Applicant respectfully submits that this aspect - that the

controls instructions are not in an AV stream, but are at **two different locations** - further supports our position that Casto teaches away from the invention as recited in claim 1.

For at least the reasons submitted above, claim 1 is patentable.

Claims 2 and 9, which depend from claim 1, is patentable for at least the reasons submitted for claim 1.

Claim 10, which depend from claim 9, is patentable for at least the reasons submitted for claim 9.

For reasons submitted for claim 1, Applicant submits that independent claims 12, 16 and 18 and dependent claims 13 and 19 are patentable.

Rejection of Claims 3-8, 14 and 15 under § 103(a) over Yamada in view of Casto and further in view of Ogino

Applicant submits that claims 3-8, 14 and 15, which depend from claim 1 or 12, are patentable for at least the reasons submitted for their respective base claims and because Ogino fails to make up for the deficiencies of Yamada and Casto.

In view of the deficiencies of Yamada and Casto regarding the determining whether the first and the second copy control information are different, Applicant further submits that Ogino cannot possibly disclose claim 4. Specifically, Ogino does not disclose the claimed control unit which controls the key generating unit and the content interpreting unit to stop generating the decryption key or stop decrypting the content, when the first and the second copy control information are different, and, when the first and the second copy control information are the same, controls the key generating unit and the content interpreting unit according to the copy

control mode, in combination with other elements of the claim. Rather, Applicant requests the Examiner to point out specifically where the claimed control unit is disclosed by the cited references.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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